

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

QUORDALIS V. SANDERS,
Plaintiff,

v.

Case No. 13-CV-1192

MICHAEL NIESKES, et al.
Defendants.

DECISION AND ORDER

Quordalis Sanders, proceeding pro se, has filed this action against several defendants alleging that they illegally detained and maliciously prosecuted him and then deprived him of the financial aid he needed to attend college. He claims defendants' actions violated his constitutional rights. Ordinarily, a plaintiff must pay a statutory filing fee of \$400.00 to bring an action in federal court. 28 U.S.C. § 1914. Plaintiff, however, has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, *Nietzke v. Williams*, 490 U.S. 319, 324 (1989), and applies to both nonprisoner plaintiffs and to plaintiffs who are incarcerated, *Floyd v. United States Postal Serv.*, 105 F.3d 274, 275–77 (6th Cir. 1997) (“[T]he only logical interpretation of the statute is that non-prisoners have the option to proceed *in forma pauperis* under § 1915(a).”). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff has filed an affidavit declaring that he is indigent. Although plaintiff did not use the form affidavit provided by the clerk's office, which asks a person to list all of their assets, he does state that he is unemployed, has no monthly income and has no other assets with which he could pay the filing fee. Based on this affidavit, I am satisfied that plaintiff meets the poverty requirement of 28 U.S.C. § 1915. Thus, I will permit him to proceed without payment of fees.

NOW, THEREFORE, IT IS HEREBY ORDERED that plaintiff's request to proceed *in forma pauperis* is **GRANTED**.

IT IS ADDITIONALLY ORDERED, pursuant to Fed. R. Civ. P. 4(c)(3), that the U.S. Marshals Service shall serve a copy of the complaint, a waiver of service form and/or the summons, and this order upon defendants. Plaintiff is advised that Congress requires the U.S. Marshal's Service to charge for making or attempting such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is \$8 per item. 28 C.F.R. § 0.114(a)(2). Although Congress requires the court to order service by the U.S. Marshals Service precisely because *in forma pauperis* plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

Dated at Milwaukee, Wisconsin this 25th day of November, 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge